



*Council Work Session - 6:15 p.m.*  
*HRA Meeting - 6:50 p.m.*

**CITY COUNCIL AGENDA**  
**Tuesday, December 3, 2013**  
**7:00 p.m.**  
**Coon Rapids City Center**  
**Council Chambers**

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**Open Mic/Public Comment**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Adopt Agenda**

**Proclamations/Presentations**

None

**Approval of Minutes of Previous Meeting:**

November 19, 2013, Regular Meeting

**Consent Agenda**

1. Authorize Final Payment, Project 12-23, Bunker Hills Practice Facility

**Reports on Previous Open Mic**

None

**Public Hearing**

2. Truth-In-Taxation and 2014 Budget and Tax Levy:
  - a. Truth-In-Taxation Hearing, 7:00 p.m.
  - b. Cons. Resolution 13-107 Adopting the 2014 Budget
  - c. Cons. Resolution 13-108 Adopting the 2014 Tax Levy

**Bid Openings and Contract Awards**

None

**Old Business**

None

**New Business**

3. Adopt Resolution 13-106 Supporting the Retrofit of Existing DOT-111 Rail Tank Cars
4. Cons. Resolution 13-109 Authorizing the Sale of G.O. Improvement and Water Revenue Bonds, Series 2013B
5. Cons. Introduction of an Ordinance Amending Title 11, Regarding Junk Vehicles, Number of Trailers Allowed and Minimum Number of Stacking Spaces for Drive Thru Windows, PC 13-27

**Other Business**

**Adjourn**



**City Council Regular**

**Meeting Date:** 12/03/2013

**SUBJECT:**

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**Attachments**

**11-19-13 Council Meeting**

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## UNAPPROVED

### COON RAPIDS CITY COUNCIL MEETING MINUTES OF NOVEMBER 19, 2013

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#### OPEN MIC/PUBLIC COMMENT

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Chelly Leibel, Teen Center, thanked Cedar Valley Exteriors for their generous donation. She said that both she and the teens were very grateful and that thank you letters have been sent to the firm. Ms. Leibel said she hopes to be part of the 2014 discussions as the City moves forward in decisions regarding the Teen Center. She stated they are working on creating an overall Youth Council that will assist with events at the school district and other locations. Ms. Leibel said she appreciates the support the City has shown as well as the school district and looks forward to a good collaboration.

Dennis Dohls, Blaine, said he has attended the Teen Center and shared how everyone is highly supportive of the effort. He said the Teen Center is like a second home to him and thanked Cedar Valley Exteriors for their donation. He said he has brought many newcomers to the Teen Center and hopes it can remain in the budget as it is a great program.

#### CALL TO ORDER

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The second regular meeting of the Coon Rapids City Council for the month of November was called to order by Mayor Tim Howe at 7:18 p.m. on Tuesday, November 19, 2013, in the Council Chambers.

#### PLEDGE OF ALLEGIANCE TO THE FLAG

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Mayor Howe led the Council in the Pledge of Allegiance, along with members of Boy Scout Weblo Pack 406.

#### ROLL CALL

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Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Ron Manning, Paul Johnson, Jerry Koch, Bruce Sanders and Steve Wells

Members Absent: None

#### ADOPT AGENDA

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MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

**PROCLAMATIONS/PRESENTATIONS**

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None.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

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NOVEMBER 6, 2013, COUNCIL MEETING  
NOVEMBER 13, 2013, SPECIAL MEETING

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MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER KOCH, FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 6, 2013, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 13, 2013, SPECIAL MEETING. THE MOTION PASSED 4-3, COUNCILMEMBERS JOHNSON, SANDERS AND WELLS ABSTAINED.

**CONSENT AGENDA/INFORMATIONAL BUSINESS**

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1. CIVIC CENTER POLICY AND RATES:
    - A. APPROVE POLICY FOR USE OF CITY CENTER FACILITIES
    - B. CONSIDER RESOLUTION 13-103 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF THE CITY CENTER FACILITIES
  2. CONSIDER RESOLUTION 13-96 AUTHORIZING ALLOCATION OF SAC UNITS FROM PORT CAMPUS SQUARE DEMOLITIONS FOR REDEVELOPMENT PROJECTS IN PORT CAMPUS SQUARE
  3. CONSIDER RESOLUTION 13-104 AMENDING THE BUDGET OF TAX INCREMENT DISTRICT NO. 1-9
  4. ENGINEERING MASTER CONSULTING AGREEMENT:
    - A. APPROVE ENGINEERING MASTER CONSULTING AGREEMENT
    - B. AUTHORIZE CITY OFFICIALS TO EXECUTE AGREEMENTS WITH KIMLEY-HORN & ASSOCIATES, SEH, INC., BOLTON & MENK, INC., AND WSB & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES
  5. APPROVE PROFESSIONAL SERVICES CONTRACT FOR ADDITIONAL ELECTRICAL INSPECTIONS
  6. CORPORATE OFFICER CHANGE – DAVANNI’S PIZZA AND HOT HOAGIES – 3430-129<sup>TH</sup> AVENUE NW
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MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Sanders noted a minor typographical change needed for the Policy for Use of City Center Facilities.

Councilmember Koch asked if SAC fees were charged for Port Riverwalk. Community Development Director Nevinski stated this development was pre-Met Council and for this reason, there were no SAC charges.

THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

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None.

PUBLIC HEARING

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7.      CONNEXUS ENERGY FRANCHISE AGREEMENT:
    - A.      PUBLIC HEARING, 7:00 P.M.
    - B.      CONSIDER ADOPTION OF ORDINANCE GRANTING A UTILITY FRANCHISE TO CONNEXUS ENERGY
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The staff report was shared with Council.

Mayor Howe opened and closed the public hearing at 7:27 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT AN ORDINANCE GRANTING A UTILITY FRANCHISE TO CONNEXUS ENERGY. THE MOTION PASSED UNANIMOUSLY.

8.      2014 FEE REVISIONS:
  - A.      PUBLIC HEARING, 7:00 P.M.
  - B.      CONSIDER ORDINANCE TO AMEND THE CITY CODE FOR NON-DOMESTIC ANIMALS
  - C.      CONSIDER ORDINANCE TO AMEND THE CITY CODE FOR DOG CONTROL
  - D.      CONSIDER ORDINANCE ADJUSTING CERTAIN FEES
  - E.      CONSIDER ORDINANCE ADJUSTING BUILDING INSPECTION FEES
  - F.      CONSIDER RESOLUTION 13-97 ESTABLISHING CERTAIN FEES AND CHARGES
  - G.      CONSIDER RESOLUTION 13-98 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CTN STUDIO FACILITIES
  - H.      CONSIDER RESOLUTION 13-99 REVISING SEWER AVAILABILITY CHARGES (SAC)
  - I.      CONSIDER RESOLUTION 13-100 ESTABLISHING CERTAIN FEES AND

- CHARGES FOR USE OF ICE CENTER FACILITIES
- J. CONSIDER RESOLUTION 13-101 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CITY PARK FACILITIES
- K. CONSIDER RESOLUTION 13-102 ESTABLISHING CERTAIN FEES AND CHARGES FOR ADULT SOFTBALL LEAGUES
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The staff report was shared with Council.

Councilmember Koch questioned why a change was being made to the non-domestic animal ordinance fees. City Clerk Sorensen explained while the permitting process had been changed many years ago a fee was never established for the permit as well as a fee for a background investigation.

Councilmember Koch suggested this language be reviewed to assure that non-profit organizations were able to obtain a non-domestic animal permit without the fee. City Clerk Sorensen commented that the language regarding educational uses of non-domestic animals was removed from the code in 2010 and replaced with the current language. She reported the Council could always choose to waive the permit fee.

Councilmember Manning suggested staff make non-profit organizations aware that the fee could be waived to ensure that Coon Rapids students were allowed to partake in educational events with non-domestic animals.

Councilmember Koch recommended the Council table action on this item to allow the Council to review language to allow for exemptions for schools and non-profit organizations.

Councilmember Klint stated that any school that would be considering educational curriculum that would include non-domestic animals would have this outlined well in advance and reviewed by the school district fairly extensively. She suggested that schools could be notified of the City's new process to ensure that organizations were made aware of the change.

Councilmember Sanders said he was in favor of moving forward with the proposed fees this evening.

Mayor Howe opened and closed the public hearing at 7:40 p.m. since no one appeared to address the Council.

**MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT AN ORDINANCE TO AMEND THE CITY CODE FOR NON-DOMESTIC ANIMALS EFFECTIVE JANUARY 1, 2014. THE MOTION PASSED UNANIMOUSLY.**

**MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT AN ORDINANCE TO AMEND THE CITY CODE FOR DOG CONTROL EFFECTIVE JANUARY 1, 2014. THE MOTION PASSED UNANIMOUSLY.**

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT AN ORDINANCE ADJUSTING CERTAIN FEES EFFECTIVE JANUARY 1, 2014; ADOPT AN ORDINANCE ADJUSTING BUILDING INSPECTION FEES EFFECTIVE JANUARY 1, 2014; ADOPT RESOLUTION 13-97 ESTABLISHING CERTAIN FEES AND CHARGES EFFECTIVE JANUARY 1, 2014; ADOPT RESOLUTION 13-98 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CTN STUDIO FACILITIES EFFECTIVE JANUARY 1, 2014; ADOPT RESOLUTION 13-99 REVISING SEWER AVAILABILITY CHARGES (SAC) EFFECTIVE JANUARY 1, 2014; ADOPT RESOLUTION 13-100 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF ICE CENTER FACILITIES EFFECTIVE JANUARY 1, 2014; ADOPT RESOLUTION 13-101 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CITY PARK FACILITIES EFFECTIVE JANUARY 1, 2014; AND ADOPT RESOLUTION 13-102 ESTABLISHING CERTAIN FEES AND CHARGES FOR ADULT SOFTBALL LEAGUES EFFECTIVE JANUARY 1, 2014. THE MOTION PASSED UNANIMOUSLY.

**OLD BUSINESS**

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None.

**NEW BUSINESS**

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9. 2014 RESIDENTIAL STREET RECONSTRUCTION, PROJECT 14-1:
    - A. CONSIDER RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT
    - B. CONSIDER RESOLUTION ORDERING PREPARATION OF PLANS AND SPECIFICATIONS
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The staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-1(3), ORDERING PREPARATION OF FEASIBILITY REPORT; AND RESOLUTION NO. 14-1(6), ORDERING PREPARATION OF PLANS AND SPECIFICATIONS. THE MOTION PASSED UNANIMOUSLY.

10. 2014 RESIDENTIAL STREET RECONSTRUCTION, PROJECT 14-3:
    - A. CONSIDER RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT
    - B. CONSIDER RESOLUTION ORDERING PREPARATION OF PLANS AND SPECIFICATIONS
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The staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 14-3(3), ORDERING PREPARATION OF FEASIBILITY REPORT; AND RESOLUTION NO. 14-3(6), ORDERING PREPARATION OF PLANS AND SPECIFICATIONS. THE MOTION PASSED UNANIMOUSLY.

11. 2014 RESIDENTIAL STREET RECONSTRUCTION, PROJECT 14-4:
    - A. CONSIDER RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT
    - B. CONSIDER RESOLUTION ORDERING PREPARATION OF PLANS AND SPECIFICATIONS
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The staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 14-4(3), ORDERING PREPARATION OF FEASIBILITY REPORT; AND RESOLUTION NO. 14-4(6), ORDERING PREPARATION OF PLANS AND SPECIFICATIONS. THE MOTION PASSED UNANIMOUSLY.

12. CONSIDER RESOLUTION 13-105 PROVIDING FOR THE SALE OF \$5,640,000 G.O. BONDS, SERIES 2013B
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The staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION 13-105 PROVIDING FOR THE SALE OF \$5,640,000 G.O. BONDS, SERIES 2013B. THE MOTION PASSED UNANIMOUSLY.

13. CONSIDER APPROVAL OF FIFTH AMENDMENT TO THE LEASE AGREEMENT BUNKER HILLS GOLF COURSE RESTAURANT AND CATERING PROVIDER, POTLUCK CATERING, INC., D/B/A TOWN AND COUNTRY CATERERS
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The staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER MANNING, TO APPROVE THE FIFTH AMENDMENT TO THE LEASE AGREEMENT BUNKER HILLS GOLF COURSE RESTAURANT AND CATERING PROVIDER, POTLUCK CATERING, INC., D/B/A TOWN AND COUNTRY CATERERS.

Councilmember Sanders discussed the new lease terms. He recommended an escrow fund be established to ensure that future events taking place at Bunker Hills would be covered in case of a default on behalf of the caterer.

Councilmember Klint understood that the other party was not agreeable to this suggestion.

Councilmember Manning stated the caterer may not have the resources available to make the escrow account a possibility. He wanted to see the City work with the vendor, have them success and the escrow account could be discussed in the future.

Councilmember Sanders supported the proposed agreement amendments, but recommended the escrow account be considered by the Council in the future.

Councilmember Klint commented she would not be supporting the proposed amendment this evening.

Mayor Howe reviewed the proposed amendments within the lease agreement in detail with the Council.

Councilmember Koch questioned the amount of deposits that were being collected by the caterer. Finance Director Legg stated approximately \$900 was held for each event, or \$30,000 based on last year's events. She reported the current contract does not allow the City to review the financial operations or amount in escrow for the catering business.

Councilmember Wells explained he would support the motion reluctantly. He did want to see the parties renting the facility protected.

Councilmember Koch suggested the Council take formal action to prepare a Plan B for the caterer.

**THE MOTION PASSED 6-1, COUNCILMEMBER KLINT OPPOSED.**

#### **OTHER BUSINESS**

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The staff report was shared with the Council regarding the fence addition at Alexandra's Cove townhome development.

Councilmember Klint requested that staff address the number of yard signs being posted near Riverdale and throughout the City. She then discussed the proposed events for the 50<sup>th</sup> Anniversary of SnowFlake Days which would be held in late January and early February of 2014.

Councilmember Koch indicated a Facebook page has been created for this event if the public would like further information.

ADJOURN

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MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MANNING, TO ADJOURN THE MEETING AT 8:10 P.M. THE MOTION PASSED UNANIMOUSLY.

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Tim Howe, Mayor

ATTEST:

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Cathy Sorensen, City Clerk



**City Council Regular**

**1.**

**Meeting Date:** 12/03/2013

**Subject:** Final Payment for Project 12-23, Bunker Hills Practice Facility

**Submitted For:** Sharon Legg, Finance Director

**From:** Dianne Nelson, Advanced Accounting Technician

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**INTRODUCTION**

The City Engineer has recommended final payment to Hartman Companies, Inc. in the amount of \$27,182.05 for Project 12-23, Bunker Hills Practice Facility.

**DISCUSSION**

A summary of Project 12-23 is as follows:

Contract completion date	9/27/13
Substantial completion date	9/24/13
Final completion date	9/27/13

Contract amount	\$519,119.50
Total additions/deletions	24,521.50
Final contract amount	543,641.00
Actual project cost	543,641.00
Less: previous payments by City	(516,458.95)
Amount due	\$27,182.05
Amount under final contract	\$0.00

The changes to this project were for stripping and replacing topsoil and grading at driving range as well as and installing additional irrigation heads, curbing, sod, valves and wires.

**RECOMMENDATION**

All of the above dates and amounts are reasonable and accurate according to the project file. No liquidated damages are recommended. Staff recommends approval of change orders and final payment to Hartman Companies, Inc. in the amount of \$27,182.05 for Project 12-23, Bunker Hills Practice Facility.

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**City Council Regular**

**2.**

**Meeting Date:** 12/03/2013

**Subject:** Truth-In-Taxation Hearing and Adoption of 2014 Budget and Tax Levy

**From:** Sharon Legg, Finance Director

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**INTRODUCTION**

The City Council needs to hold the Truth-In-Taxation (TNT) hearing and consider adoption of the 2014 budget and tax levy.

**DISCUSSION**

As you know, the budget was discussed at a work session on August 21. A preliminary levy was certified to the County. December 3 was set as the Truth in Taxation public meeting at which the proposed budget for taxes payable year 2014 must be presented and discussed. The public must be given a reasonable amount of time to comment on the proposed property tax levy and budget and to ask questions. Staff is prepared to make a short budget presentation.

In addition to the budget discussed in the work session, a tax levy has been included for the first year's payment of debt service (\$540,916) on the G.O. Park Bonds which will be partially issued in 2014. The park project budget will be adopted by Council at a later date.

After the public hearing, resolutions adopting the budget and the tax levy are included for adoption.

**RECOMMENDATION**

- a. Conduct the Truth-In-Taxation hearing.
  - b. Adopt Resolution 13-107 adopting the 2014 budget.
  - c. Adopt Resolution 13-108 adopting the 2014 tax levy.
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**Attachments**

RS 13-107

RS 13-108

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**RESOLUTION NO. 13-107**

**RESOLUTION ADOPTING THE 2014 BUDGET**

**WHEREAS**, the City Charter requires the City Manager to prepare a budget for all funds of the City; and

**WHEREAS**, the City Manager's proposed budget was presented to the City Council on August 21, 2013, well before the Charter requirement of the first meeting in September; and

**WHEREAS**, a tax levy for debt service payable February 1, 2015 for the G.O. Park Bonds has been included in the revenues; and

**WHEREAS**, the 2014 proposed budget was discussed at the Truth-In-Taxation hearing on December 3, 2013; and

**WHEREAS**, requested modifications to the budget were made; and

**NOW, THEREFORE, BE IT RESOLVED** that the Coon Rapids City Council hereby adopts the 2014 budget as presented, a summary of which follows:

REVENUES	
General Fund	
General Property Taxes	\$18,097,916
Licenses and Permits	1,620,900
Fines and Forfeitures	414,000
Investment Income	162,500
Intergovernmental	1,834,263
Charges from Current Services	2,024,600
Other	3,530,537
Total General Fund Revenues	27,684,716
Transfer from Other Funds	45,500
Total General Fund Revenues including Transfers	27,730,216
Other Funds	
Special Revenue Funds	2,170,034
Debt Service Funds	4,399,492
Capital Project Funds	4,638,740
Enterprise Funds	15,585,844
Internal Service Funds	196,500
Total Other Funds	26,990,610
Other Financing Sources	
Transfers from Other Funds	<u>1,388,567</u>
Total Revenues and Other Sources	<u>\$56,109,393</u>

EXPENDITURES

General Fund

General Government	3,796,824
Public Safety	13,439,308
Community Services	464,886
Community Development	1,825,965
Maintenance Services	6,821,983
Contingency	500,000

Total General Fund Expenditures	26,848,966
Transfer to Other Funds	650,000

Total General Fund Expenditures including Transfers	27,498,966
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Other Funds

Special Revenue	1,958,499
Debt Service	2,789,229
Capital Project	5,011,210
Enterprise	15,716,537
Internal Service Funds	1,314,700

Total Other Funds	26,790,175
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Transfers to Other Funds	<u>784,067</u>
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Total Expenditures and Transfers	<u>\$55,073,208</u>
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Adopted by the Coon Rapids City Council this 3th day of December, 2013.

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Tim Howe, Mayor

ATTEST:

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Cathy Sorensen, City Clerk

**RESOLUTION NO. 13-108**

**RESOLUTION ESTABLISHING 2014 TAX LEVY FOR  
THE CITY OF COON RAPIDS**

**WHEREAS**, the Legislature of the State of Minnesota has enacted legislation providing for City certification of a final 2014 property tax levy prior to December 28, 2013; and

**WHEREAS**, the City Council has reviewed and adopted the 2014 budget and reviewed the tax levy as proposed by the City Manager; and

**WHEREAS**, the City held a truth-in-taxation public hearing on the levy on December 3, 2013; and

**WHEREAS**, a special election was held on November 5, 2013 in which the electorate authorized general obligation bonds to finance a \$17.4 million parks, open space and trail system project; and

**WHEREAS**, the payable 2014 tax levy will include \$540,916 for the first debt service payment anticipated to be made on February 1, 2015; and

**NOW, THEREFORE, BE IT RESOLVED** that the amounts listed below are given final certification for collection with payable 2014 taxes:

City Wide Levies

General Fund	\$18,097,916
Capital Projects	2,165,000
Debt Service	
Special Assessment levy against city property	30,000
Bonds of 2008 (2008 Construction)	150,370
Bonds of 2010	189,750
Bonds of 2013A	200,570
Bonds of 2013 B	206,326
EDA Lease Revenue Bonds	990,878
Equipment Certificates of 2010	132,300
Equipment Certificates of 2012 (10 years)	100,000
Equipment Certificates of 2014	75,000
G.O. Park Bonds	540,916
 TOTAL CITY WIDE LEVY	 22,879,026
 HRA Levy	 <u>700,000</u>
 TOTAL	 <u>\$23,579,026</u>

Adopted by the Coon Rapids City Council this 3th day of December, 2013.

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Tim Howe, Mayor

ATTEST:

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Cathy Sorensen, City Clerk



**City Council Regular**

**3.**

**Meeting Date:** 12/03/2013

**Subject:** Adopt Resolution Supporting the Retrofit of Existing DOT-111 Rail Tank Cars

**Submitted For:** Steve Gatlin, City Manager

**From:** Cher Ridout, Admin Secretary II

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**INTRODUCTION**

While attending the National League of Cities Conference (NLC), Councilmember Johnson attended a session on railroad safety. One of the biggest concerns nationally has to do with issues related to DOT-111 tank cars which carry ethanol and crude oil.

**DISCUSSION**

Attached is an issue summary statement that outlines the existing problems. Cities have been requested to review the issue locally and take action by adopting a resolution. This resolution should be forwarded after adoption by December 5, 2013, the end of the Federal rulemaking process period.

Since many of the trains traveling through Coon Rapids are tank cars of this type, this issue is of concern to us.

**RECOMMENDATION**

Staff recommends Council adopt a resolution supporting the retrofit of existing DOT-111 rail tank cars that transport packing groups I and II hazmat before the pipelines and hazardous materials safety administration in Docket No. PHMSA-2012-0082 (HM-251).

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**Attachments**

Issue Summary Statement

PHMSA Resolution

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## RAIL TANK CAR ISSUE SUMMARY & ACTION REQUEST

### ISSUE SUMMARY:

In response to the findings stemming from the National Transportation Safety Board's (NTSB) investigation of a June 2009 Canadian National Railway (CN) freight train derailment outside of Rockford, Illinois, the Village of Barrington and the Illinois-based TRAC Coalition jointly filed a petition on April 3, 2012 with the Pipelines and Hazardous Materials Safety Administration (PHMSA) asking that it promulgate rules that will make the fleet of new and existing tank cars that carry ethanol and crude oil by rail in North America more crashworthy in derailments and accidents. ***PHMSA released its notice of proposed rulemaking on September 6, 2013 and is seeking input from local governments by December 5, 2013.***

The 2009 accident investigated by the NTSB involved a train containing 74 cars of ethanol that derailed after the rail bed underneath the train had washed away. One person was killed and nine others injured when several of the derailed tank cars split open and started a massive fire that took over 24 hours to burn itself out. Since 1991, the tank cars involved in the accident – DOT-111 tank cars – have been known by federal regulators and the freight rail industry to have high failure rates in accidents because they puncture easily.

The more recent July 6, 2013 catastrophic derailment of a train carrying 72 tank cars of crude oil in Lac-Megantic, Canada that caused 47 deaths also involved the defective DOT-111 tank cars. ***With the exponential growth of this dangerous hazmat traveling by rail over the last five years, it is clear that there is a growing potential for catastrophic derailments in communities all across North America.*** In fact, the problems with this defective tank car is garnering national media attention, including this September 5, 2013 "NBC Nightly News with Brian Williams" piece that provides an excellent overview of the problem:  
<http://investigations.nbcnews.com/news/2013/09/05/20343288-danger-on-the-tracks-unsafe-rail-cars-carry-oil-through-us-towns?lite>

In response to the Rockford derailment, industry convened a working group made up of the Association of American Railroads (AAR), freight railroads, and shippers to set manufacturing standards for new cars and asked PHMSA to adopt those standards in 2011. However, the industry request explicitly asked that the existing fleet of tank cars not be retrofitted to make them safer due to the cost of a retrofit program. The AAR calculated that a retrofit of a tank car would cost \$15,000, but with an average life span of over 30 years for the existing fleet, that amounts to less than \$500 a year.

Backed by NTSB expertise, the April 3, 2012 petition by Barrington & the Illinois TRAC Coalition made the case that improved construction standards for only newly manufactured tank cars is not sufficient for protecting public safety. ***As the NTSB experts recognized, while the improved AAR standards would make new cars safer than the existing cars, communities would be no safer if old and new tank cars are comingled when these tank cars derail.*** With an eight-year average age for the existing tank car fleet, failure to require a retrofit program would allow tank cars that are filled with ethanol and crude oil – and known to be dangerous – to roll freely through American communities for the next three decades.

This issue goes far beyond the daily challenges of dealing with freight rail operations in our communities. According to Federal Railroad Administration safety statistics, between 2000 and 2011 there has been – on average – a reportable freight derailment in this country over five times every day. Additionally, the derailment in Lac-Megantic has already been ball-parked at over \$200 million to fund the environmental

remediation and clean-up costs alone. Since that sum far surpasses the liability insurance cap of the involved railroad, it has entered bankruptcy proceedings. Given inadequate insurance protection across the rail industry, it is unclear as to who will be footing the bill when it comes to paying the catastrophic costs associated with a major tank car derailment. For these reasons, it is way past due for federal regulators to prioritize the concerns of local governments to remedy the known safety flaws with the DOT-111 tank car.

**ACTION REQUEST OF LOCAL GOVERNMENTS:**

***It is vital that local governments weigh in on this important issue prior to the December 5, 2013 comment deadline.*** To that end, a sample resolution is attached that local units of government can adopt and forward to PHMSA to indicate their support for the rail safety changes detailed in this summary and in this rulemaking document:

[https://www.federalregister.gov/articles/2013/09/06/2013-21621/hazardous-materials-rail-petitions-and-recommendations-to-improve-the-safety-of-railroad-tank-car?utm\\_campaign=subscription+mailing+list&utm\\_medium=email&utm\\_source=federalregister.gov](https://www.federalregister.gov/articles/2013/09/06/2013-21621/hazardous-materials-rail-petitions-and-recommendations-to-improve-the-safety-of-railroad-tank-car?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov)

***Please act expeditiously to pass this resolution.*** Once adopted, a copy of your government's resolution should be submitted in one of three ways:

- Through the Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Via Fax: 1-202-493-2251.
- By mail: Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue SE., Washington, DC 20590.

**Instructions:** All submissions must include the agency name and docket number for this notice (as shown in the model resolution) at the beginning of the comment. To avoid duplication, please use only one of the three methods of delivery.

Any questions you may have on this matter can be directed to [FightRailCongestion@gmail.com](mailto:FightRailCongestion@gmail.com). Thank you!

**RESOLUTION NO. 13-106**

**RESOLUTION SUPPORTING THE RETROFIT OF EXISTING DOT-111  
RAIL TANK CARS THAT TRANSPORT PACKING GROUPS I AND II HAZMAT  
BEFORE THE PIPELINES AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION IN DOCKET NO. PHMSA-2012-0082 (HM-251)**

**WHEREAS**, rail freight operations impact thousands of villages, towns, cities and counties across all regions of the United States of America; and

**WHEREAS**, safe rail operations are of critical interest to local units of government based on (1) the need to prevent catastrophic accidents like the one that occurred in Lac-Megantic, Canada in July 2013; and (2) the responsibility local governments have to provide emergency response units to manage the impact of rail accidents and derailments in communities across the country; and (3) significant costs associated with clean-up, environmental remediation, medical expenses, other personal injury damages or wrongful death claims for community residents that have the potential to surpass the rail industry's ability to pay for them; and

**WHEREAS**, ethanol and crude oil are a large and exponentially growing segment of hazardous materials being shipped across the nation via freight rail, which will continue to be a preferred transport mode of choice for this hazmat; and

**WHEREAS**, since 1991, it has been known to industry and federal regulators that there are safety-related defects in the DOT-111 tank car that serves as the primary tank car used in the shipping of these hazardous flammable materials via freight rail; and

**WHEREAS**, the federal Pipelines and Hazardous Materials Safety Administration (PHMSA) regulates the safe transport of hazardous materials by railroads in the United States; and

**WHEREAS**, the business decisions of railroad companies and hazardous material shippers impact the safety, environment, and emergency response system in the communities in which the freight railroads traverse, but state and local governments have no ability to regulate railroad operations; and

**WHEREAS**, industry has failed to act in the last two decades to correct the known defects in DOT-111 tank cars, and waited until 2011 to seek government approval to upgrade safety standards for newly manufactured DOT-111 tank cars; and

**WHEREAS**, a tank car expert from the National Transportation Safety Board testified in 2012 that a retrofit of existing tank cars is necessary because co-mingling existing unsafe DOT-111 tank cars with newly manufactured ones "does nothing to improve the safety in an accident"; and

**WHEREAS**, the petition for rulemaking submitted to PHMSA on April 3, 2012 by Barrington, Illinois and the Illinois TRAC Coalition reflects the point of view of local governments, which is supported by recommendations of the National Transportation Safety Board, that changes are needed in federal regulations and/or law to better protect public safety relative to DOT-111 tank car safety and train consist dissemination; and

**WHEREAS**, the April 3, 2012 petition provides a compelling rationale for making long overdue changes in safe rail operations vis-a-vis retrofitting existing DOT-111 tank cars; and

**WHEREAS**, the April 3, 2012 petition demonstrates that the cost of a DOT-111 tank car fleet retrofit for existing cars would be of nominal expense over the remaining average thirty-year lifespan for the existing fleet, and

**WHEREAS**, PHMSA issued on September 6, 2013 (78 Federal Register 54849-54861) an Advance Notice of Rulemaking seeking by November 5, 2013 the input from local and state governments on the issue of retrofitting the DOT-111 tank car.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Coon Rapids, Minnesota, as follows:

**Section 1:** We support the April 3, 2012 petition of Barrington, Illinois and the Illinois TRAC Coalition seeking new regulations to retrofit existing DOT-111 tank cars used to transport Groups I and II Packing Materials.

**Section 2:** This Resolution shall take effect from and after its passage and approval as provided by law.

**Section 3:** This adopted Resolution shall be sent to the Pipelines and Hazardous Materials Safety Administration in Docket No. PHMSA-2012-0082 (HM-251) urging expeditious action on the joint Barrington and Illinois TRAC Coalition April 3, 2012 Petition No. P-1587.

Adopted this 3rd day of December, 2013.

\_\_\_\_\_  
Tim Howe, Mayor

ATTEST:

\_\_\_\_\_  
Catherin M. Sorensen, City Clerk



**City Council Regular**

**4.**

**Meeting Date:** 12/03/2013

**Subject:** Bond Issuance

**From:** Sharon Legg, Finance Director

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**INTRODUCTION**

A bond issue was provided for on November 19, 2013 to be sold on or about December 10, 2013.

**DISCUSSION**

City Council provided for the sale of \$5,640,000 G.O. Bonds, Series 2013B at the last Council meeting. Staff is recommending that the City Council authorize a pricing committee to accept a bid that will be received on December 10, 2013 within certain interest rates. The G. O. Improvement Bonds will fund the following street projects:

- Project 13-1, 2013 Street Reconstruction, W. of Crooked Lake Blvd.
- Project 13-2 2013 Street Reconstruction, Woodcrest Blvd.
- Project 13-3 2013 Street Reconstruction, 113th between Hanson Blvd./Robinson Dr.
- Project 13-4 2013 Street Reconstruction, Blackfoot Street
- Project 13-8 2013 Street Reconstruction, E. of Crooked Lake Blvd.
- Project 13-9 2013 Street Reconstruction, W. of Robinson

In addition to the improvement bonds, the bonds will fund the portion of the 2013 and 2014 water infrastructure that is repaired along with street reconstruction. This is the replacement of valves, hydrants and deficient pipework. This is not the full scale watermain replacement but rather continuing replacement of necessary infrastructure while working in the immediate area as has been done in the past.

**RECOMMENDATION**

Adopt Resolution 13-109 Authorizing the Sale of G.O. Improvement and Water Revenue Bonds, Series 2013B, subject to Certain Parameters, Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment.

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**Attachments**

**Resolution 13-109**

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**RESOLUTION NO. 13-109**

**A RESOLUTION AUTHORIZING THE SALE OF  
GENERAL OBLIGATION IMPROVEMENT AND WATER  
REVENUE BONDS, SERIES 2013B SUBJECT TO CERTAIN PARAMETERS;  
FIXING THEIR FORM AND SPECIFICATIONS;  
DIRECTING THEIR EXECUTION AND DELIVERY;  
AND PROVIDING FOR THEIR PAYMENT**

BE IT RESOLVED By the City Council of the City of Coon Rapids, Anoka County, Minnesota (the “City”) as follows:

Section 1. Sale of Bonds.

1.01. Authorization. Pursuant to a resolution adopted by the City Council of the City on November 4, 2013 (the “Authorizing Resolution”), the City Council gave preliminary approval to the issuance of the City’s General Obligation Improvement and Water Revenue Bonds, Series 2013B (the “Bonds”). The Bonds are authorized to be issued pursuant to Minnesota Statutes, Chapters 429, 444, and 475, as amended (collectively, the “Act”), including Section 475.67, subdivision 3, in order to (i) finance certain assessable public improvements within the City (the “Assessable Improvements”) and (ii) finance various improvements to the City’s water system (the “Water Improvements”).

1.02. Pricing Committee. The City hereby establishes a pricing committee with respect to the Bonds comprised of the City Finance Director, City Manager and the Mayor and/or a City Council member designated by the Mayor, (the “Pricing Committee”). The Pricing Committee is authorized and directed, with the advice of the City’s financial advisor, Ehlers & Associates, Inc., to (a) review proposals for the sale of the Bonds, (b) award the sale of the Bonds to the prospective purchaser (the “Purchaser”) with a proposal conforming to the terms of proposal distributed by the City, (c) approve the tax levy for the repayment of the Bonds, and (d) to designate a portion of the Bonds as Improvement Bonds to finance the Assessable Improvements (the “Improvement Bonds”), and a portion of the Bonds as Improvement Bonds to finance the Water Improvements (the “Water Revenue Bonds”). The City hereby approves the sale of the Bonds to the Purchaser, at the price, maturity schedule, rates and with provisions for redemption to be determined by the Pricing Committee provided that (a) the true interest cost of the Bonds shall not exceed 3.5%, (b) the principal amount of the Bonds shall not exceed \$6,000,000, and (c) the final maturity of the Bonds shall be no later than February 1, 2024. Issuance of the Bonds shall be conclusive evidence that the Pricing Committee has determined such price and rates in accordance with this Resolution.

1.03. Purchase Contract. Any original issue premium and any rounding amount shall be credited to the Debt Service Fund hereinafter created or deposited in the accounts in the Construction Fund hereinafter created, as determined by the Finance Director in consultation with the City’s financial advisor. The Finance Director is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith checks of the unsuccessful proposers. The City Council authorizes and directs, and ratifies and confirms, execution by the Mayor and City Manager on behalf of the City of a contract with the Purchaser.

1.04. Terms of the Bonds and Principal Amounts. The City will forthwith issue and sell the Bonds pursuant to the Act, originally dated as of their date of issuance, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as determined by the

Pricing Committee, and maturing on February 1 in the years and amounts as determined by the Pricing Committee.

1.05. Optional Redemption. The City may elect on February 1, 2021, and on any day thereafter, to prepay Bonds due on or after February 1, 2022. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

1.06. Term Bonds. If Term Bonds are requested by the Purchaser, the following provisions apply:

Mandatory Redemption. The Term Bonds are subject to mandatory sinking fund redemption and shall be redeemed in part by lot at par plus accrued interest on the sinking fund installment dates and in the principal amounts specified by the Purchaser and approved by the Pricing Committee in accordance with Section 1.02. The specific Term Bonds to be redeemed will be selected by lot by the Registrar. All prepayments will be at a price of par plus accrued interest.

## Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing August 1, 2014, to the registered owners of record thereof as of the close of business on the fifth day of the month, whether or not that day is a business day.

2.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for

registration of any transfer after the fifth day of the 15th day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for a Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints the City Finance Director, Coon Rapids, Minnesota, as the initial Registrar.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Finance Director and executed on behalf of the City by the signatures of the Mayor and the City Manager, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of a Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the City Finance Director will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

2.06. Temporary Bonds. The City may elect to deliver in lieu of printed definitive Bonds one or more typewritten temporary Bonds in substantially the form set forth in EXHIBIT A attached hereto with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Upon the execution and delivery of definitive Bonds the temporary Bonds will be exchanged therefor and cancelled.

### Section 3. Form of Bond.

3.01. Form. The Bonds will be printed or typewritten in substantially the form set forth in EXHIBIT B.

3.02. Approving Legal Opinion. The City Manager is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be printed on or accompany each Bond.

### Section 4. Payment; Security; Pledges and Covenants.

4.01. Debt Service Fund. The Bonds will be payable from the General Obligation Improvement and Water Revenue Bonds, Series 2013B Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will maintain the following accounts in the Debt Service Fund: the "Assessable Improvements Account" and the "Water Improvements Account." Amounts in the Assessable Improvements Account are irrevocably pledged to the Improvement Bonds, and amounts in the Water Improvements Account are irrevocably pledged to the Water Revenue Bonds.

(a) Assessable Improvements Account. The Finance Director shall timely deposit in the Assessable Improvements Account of the Debt Service Fund hereby created, general taxes hereafter levied (the "Taxes") and the special assessments levied against the property specially benefited by the Assessable Improvements and allocated to the payment of debt service on the Improvement Bonds, which are pledged to the Assessable Improvements Account. There is also appropriated to the Assessable Improvements Account a pro rata portion of any amount over the

minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof.

(b) Water Improvements Account. The City will continue to maintain and operate its Water Fund, to which will be credited all gross revenues of the water system, and out of which will be paid all normal and reasonable expenses of current operations of such systems. Any balances therein are deemed net revenues (the "Net Revenues") and will be transferred, from time to time, to the Water Improvements Account of the Debt Service Fund, which Water Improvements Account will be used only to pay principal of and interest on the Water Revenue Bonds, and any other bonds similarly authorized. There will always be retained in the Water Improvements Account a sufficient amount to pay principal of and interest on all of the Water Revenue Bonds, and the Finance Director must report any current or anticipated deficiency in the Water Improvements Account to the City Council. If a payment of principal or interest on the Water Bonds becomes due when there is not sufficient money in the Water Improvements Account in the Debt Service Fund to pay the same, the City Finance Director is directed to pay such principal or interest from the general fund of the City, and the general fund will be reimbursed for the advances out of the proceeds of net revenues of the Water Fund and taxes when collected. There is also appropriated to the Water Improvements Account a pro rata portion of any amount over the minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof and any collections of taxes hereafter levied for the payment of the Water Revenue Bonds and interest thereon.

4.02. Construction Fund. The City hereby creates the General Obligation Improvement and Water Revenue Bonds, Series 2013B Construction Fund (the "Construction Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will maintain the following accounts in the Construction Fund: the "Assessable Improvements Account" and the "Water Improvements Account." Amounts in the Assessable Improvements Account are irrevocably pledged to the Improvement Bonds, and amounts in the Water Improvements Account are irrevocably pledged to the Water Revenue Bonds.

(a) Assessable Improvements Account. Proceeds of the Improvement Bonds, less the appropriations made in Section 4.01(a) hereof, together with any other funds appropriated for the Assessable Improvements and special assessments and Taxes collected during the construction of the Assessable Improvements, will be deposited in the Assessable Improvements Account of the Construction Fund to be used solely to defray expenses of the Assessable Improvements and the payment of principal of and interest on the Improvement Bonds prior to the completion and payment of all costs of the Assessable Improvements. Any balance remaining in the Assessable Improvements Account after completion of the Assessable Improvements may be used to pay the cost in whole or in part of any other improvement instituted under Chapter 429 of the Act, under the direction of the City Council. When the Assessable Improvements are completed and the cost thereof paid, the Assessable Improvements Account of the Construction Fund is to be closed and any subsequent collections of special assessments for the Assessable Improvements are to be deposited in the Assessable Improvements Account of the Debt Service Fund.

(b) Water Improvements Account. Proceeds of the Water Revenue Bonds, less the appropriations made in Section 4.01(b) hereof, will be deposited in the Water Improvements Account of the Construction Fund to be used solely to defray expenses of the Water Improvements. When the Water Improvements are completed and the cost thereof paid, the Water Improvements

Account of the Construction Fund is to be closed and any funds remaining may be deposited in the Water Improvements Account of the Debt Service Fund.

4.03. City Covenants with Respect to the Improvement Bonds. It is hereby determined that the Assessable Improvements will directly and indirectly benefit abutting property, and the City hereby covenants with the holders from time to time of the Bonds as follows:

(a) The City will cause the special assessments levied and Taxes for the Assessable Improvements to be promptly levied so that the first installment of such special assessments will be collectible not later than 2014 and will take all steps necessary to assure prompt collection, and the levy of the special assessments is hereby authorized. The City Council will cause to be taken with due diligence all further actions that are required for the construction of each Assessable Improvement financed wholly or partly from the proceeds of the Improvement Bonds, and will take all further actions necessary for the final and valid levy of the special assessments and Taxes and the appropriation of any other funds needed to pay the Improvement Bonds and interest thereon when due.

(b) In the event of any current or anticipated deficiency in special assessments, the City Council will levy additional ad valorem taxes in the amount of the current or anticipated deficiency.

(c) The City will keep complete and accurate books and records showing receipts and disbursements in connection with the Assessable Improvements, special assessments levied therefor, therefor and other funds appropriated for their payment, collections thereof and disbursements therefrom, monies on hand, and the balance of unpaid special assessments.

(d) The City will cause its books and records to be audited at least annually and will furnish copies of such audit reports to any interested person upon request.

(e) At least 20% of the cost to the City of the Assessable Improvements described herein will be specially assessed against benefited properties.

4.04. City Covenants with Respect to the Water Revenue Bonds. The City Council covenants and agrees with the holders of the Bonds that so long as any of the Bonds remain outstanding and unpaid, it will keep and enforce the following covenants and agreements:

(a) The City will continue to maintain and efficiently operate the water system as public utilities and conveniences free from competition of other like municipal utilities and will cause all revenues therefrom to be deposited in bank accounts and credited to the Water Fund and the Water Improvements Account, as hereinabove provided, and will make no expenditures from those accounts except for a duly authorized purpose and in accordance with this resolution.

(b) The City will also maintain the Water Improvements Account of the Debt Service Fund as a separate account and will cause money to be credited thereto from time to time out of Net Revenues from the water system in sums sufficient to pay principal of and interest on the Water Revenue Bonds when due.

(c) The City will keep and maintain proper and adequate books of records and accounts separate from all other records of the City in which will be complete and correct entries as to all transactions relating to the water system and which will be open to inspection and

copying by any Bondholder, or the holder's agent or attorney, at any reasonable time, and it will furnish certified transcripts therefrom upon request and upon payment of a reasonable fee therefor, and said account will be audited at least annually by a qualified public accountant and statements of such audit and report will be furnished to all Bondholders upon request.

(d) The City Council will cause persons handling revenues of the water system to be bonded in reasonable amounts for the protection of the City and the Bondholders and will cause the funds collected on account of the operations of such systems to be deposited in a bank whose deposits are guaranteed under the Federal Deposit Insurance Law.

(e) The City Council will keep the water system insured at all times against loss by fire, tornado and other risks customarily insured against with an insurer or insurers in good standing, in such amounts as are customary for like plants, to protect the holders, from time to time, of the Bonds and the City from any loss due to any such casualty and will apply the proceeds of such insurance to make good any such loss.

(f) The City and each and all of its officers will punctually perform all duties with reference to the water system as required by law.

(g) The City will impose and collect charges of the nature authorized by Section 444.075 of the Act, at the times and in the amounts required to produce Net Revenues adequate to pay all principal and interest when due on the Water Revenue Bonds and to create and maintain such reserves securing said payments as may be provided herein.

(h) The City Council will levy general ad valorem taxes on all taxable property in the City when required to meet any deficiency in Net Revenues.

(i) The City hereby determines that the estimated collection of net revenues herein pledged for the payment of principal and interest on the Water Bonds will produce at least 5% in excess of the amount needed to meet, when due, the principal and interest payments on such portion of the Bonds.

4.05. Pledge of Tax Levy. For the purpose of paying the principal of and interest on the Improvement Bonds, there is levied a direct annual irrevocable ad valorem tax (the "Taxes") upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. The Taxes will be credited to the Debt Service Fund above provided and will be in the years and amounts as set forth in the certificate of the Pricing Committee.

4.06. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

4.07. Certification to County Property Records & Taxation as to Debt Service Fund Amount. It is hereby determined that the estimated collection of the foregoing special assessments and Net Revenues will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bonds.

4.08. Registration of Resolution. The City Manager is authorized and directed to file a certified copy of this resolution with the Manager of Property Records and Taxation and to obtain the certificate required by Section 475.63 of the Act.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, City Manager, and Finance Director are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

Section 6. Tax Covenant.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States unless the Bonds qualify for an exception to the rebate requirement under the Code and related Treasury Regulations.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

- (a) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;

(b) the City designates the Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2013 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2013 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

#### Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns (“DTC”). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the “Participants”) or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City’s obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Manager of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words “Cede & Co.” will refer to such new nominee of DTC; and upon receipt of such a notice, the City Manager will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the “Representation Letter”) which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action

necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Manager and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 9. Defeasance. When all Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

Passed and adopted this 3rd day of December, 2013.

CITY OF COON RAPIDS, MINNESOTA

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Tim Howe, Mayor

Attest:

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Catherine M. Sorensen, City Clerk

**EXHIBIT A**  
**FORM OF BOND**

No. R-\_\_\_\_\_ UNITED STATES OF AMERICA \$\_\_\_\_\_  
STATE OF MINNESOTA  
COUNTY OF ANOKA  
CITY OF COON RAPIDS

GENERAL OBLIGATION IMPROVEMENT AND WATER REVENUE BOND  
SERIES 2013B

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	February 1, 20__	December 30, 2013	

Registered Owner: Cede & Co.

The City of Coon Rapids, Minnesota, a duly organized and existing municipal corporation in Anoka County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns, the principal sum of \$\_\_\_\_\_ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable February 1 and August 1 in each year, commencing August 1, 2014, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by City Finance Director, Coon Rapids, Minnesota, as Registrar, Paying Agent, Transfer Agent and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The City may elect on February 1, 2021, and on any day thereafter to prepay Bonds due on or after February 1, 2022. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

This Bond is one of an issue in the aggregate principal amount of \$\_\_\_\_\_ all of like original issue date and tenor, except as to number, maturity date, redemption privilege, and interest rate, all issued pursuant to a resolution adopted by the City Council on December 3, 2013 (the "Resolution"), for the purpose of providing money to aid in financing certain assessable public improvements and improvements to the City's water system, pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapters 429, 444, and 475, as amended, including Section 475.67, subdivision 3, and the principal hereof and interest hereon are payable in part from special assessments levied against property specially benefited by the assessable improvements and

net revenues from the water system of the City, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Bond and the City Council has obligated itself to levy ad valorem taxes on all taxable property in the City in the event of any deficiency in taxes, special assessments, and net revenues pledged, which taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof of single maturities.

The City Council has designated the issue of Bonds of which this Bond forms a part as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) relating to disallowance of interest expense for financial institutions and within the \$10 million limit allowed by the Code for the calendar year of issue.

IT IS HEREBY CERTIFIED AND RECITED That in and by the Resolution, the City has covenanted and agreed that it will continue to own and operate the water system free from competition by other like municipal utilities; that adequate insurance on said systems and suitable fidelity bonds on employees will be carried; that proper and adequate books of account will be kept showing all receipts and disbursements relating to the Water Improvements Account, into which it will pay all of the gross revenues from the water system; that it will also create and maintain a Water Improvements Account within the General Obligation Improvement and Water Revenue Bonds, Series 2013B Debt Service Fund, into which it will pay, out of the net revenues from the water system, a sum sufficient to pay principal of and interest on the Water Revenue Bonds when due; and that it will provide, by ad valorem tax levies, for any deficiency in required net revenues of the water system.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by the owner’s attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the owner’s attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the home rule charter and the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond does not cause the indebtedness of the City to exceed any constitutional, statutory, or charter limitation of indebtedness.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Coon Rapids, Anoka County, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Manager and has caused this Bond to be dated as of the date set forth below.

Dated: November 21, 2013

**CITY OF COON RAPIDS, MINNESOTA**

\_\_\_\_\_  
(Facsimile)  
Mayor

\_\_\_\_\_  
(Facsimile)  
City Manager

**CERTIFICATE OF AUTHENTICATION**

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

**CITY OF COON RAPIDS, MINNESOTA**

By \_\_\_\_\_  
Finance Director

**ABBREVIATIONS**

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT  
\_\_\_\_\_ Custodian \_\_\_\_\_

TEN ENT -- as tenants by entireties

(Cust) (Minor)  
under Uniform Gifts or Transfers to Minors  
Act, State of \_\_\_\_\_

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

\_\_\_\_\_



**PROVISIONS AS TO REGISTRATION**

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Officer of Registrar</u>
<hr/>	Cede & Co. Federal ID #13-2555119	<hr/>

STATE OF MINNESOTA            )  
  )  
COUNTY OF ANOKA            ) SS.  
  )  
CITY OF COON RAPIDS         )

I, the undersigned, being the duly qualified and acting City Clerk of the City of Coon Rapids, Anoka County, Minnesota (the “City”), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City held on December 3, 2013, with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the issuance and sale of the City’s General Obligation Improvement and Water Revenue Bonds, Series 2013B.

WITNESS My hand officially as such City Clerk and the corporate seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2013.

(SEAL)

\_\_\_\_\_  
City Clerk  
City of Coon Rapids, Minnesota

STATE OF MINNESOTA  
COUNTY OF ANOKA

ANOKA COUNTY PROPERTY RECORDS &  
TAXATION CERTIFICATE AS TO  
REGISTRATION

I, the undersigned County Manger of Property Records & Taxation of Anoka County, Minnesota, hereby certify that a certified copy of a resolution adopted by the governing body of the City of Coon Rapids, Minnesota (the "City"), on December 3, 2013, of the City's General Obligation Improvement and Water Revenue Bonds, Series 2013B, in the original aggregate principal amount of \$\_\_\_\_\_, dated December 30, 2013, has been filed in my office and said bonds have been entered on the register of obligations in my office.

WITNESS My hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

(SEAL)

\_\_\_\_\_  
County Anoka Manger of Property Records &  
Taxation  
Anoka County, Minnesota

\_\_\_\_\_  
Deputy



**City Council Regular**

5.

**Meeting Date:** 12/03/2013

**Subject:** PC 13-27 Introduce an Ordinance to Amend Title 11 Regarding Junk Vehicles, Number of Trailers Allowed and Minimum Number of Stacking Spaces

**From:** Scott Harlicker, Planner

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**INTRODUCTION**

The City is requesting the introduction of an ordinance amendment to address issues relating to junk vehicles, number of trailers allowed and number of stacking spaces for a drive thru window.

**DISCUSSION**

**Junk Vehicles and Trailers**

The following proposed changes are intended supplement and aid code enforcement in regulating junk vehicles and trailer storage.

*Definition of Junk Vehicles*

The current code does not include language that requires current registration be displayed. The current code also includes language that allows one vehicle to be actively repaired inside a building for seven days; the length of time is proposed to be increased to 20 days. The definition of junk vehicles is proposed to be changed as follows:

Section 11-201 Definitions

**Junk Vehicle-** Includes any motor vehicle or trailer which is not in an operable condition; or which is partially dismantled; or which is used for the sale of parts; or as a source of repair and replacement parts for other vehicles; or which is kept for scrapping, dismantling, or salvage; or is unlicensed or ~~unregistered~~, does not display current registration; or is parked off an improved surface in a front or side yard or any combination therein. The following vehicles are not considered junk vehicles:

- (a) An unlicensed vehicle for sale in an automobile sales lot.
- (b) A collector vehicle registered as a pioneer, classic, collector or street vehicle, as defined in M.S.A. 168.10, if actively being restored.
- (c) One vehicle being actively repaired by a resident of the premise, inside a building, garage or accessory structure, in which the vehicle is located for a period not to exceed ~~seven~~ 20 days.

*Junk Vehicles in the Industrial District*

Language that currently regulates junk vehicles in the commercial districts was not included in the Industrial District. The following language is currently in Section 11-700 Commercial and Office Districts and is proposed to be included in the Industrial District:

**INDUSTRIAL DISTRICT**

**11-801.6 Junk Vehicles.** The parking, storage, or maintenance of junk vehicles is allowed only if incidental to a

permitted use and if the vehicles are being actively repaired. Such vehicles must be stored within an enclosed building or be so screened that they are not visible from public streets or adjoining properties.

### *Trailer Storage*

There has been differing interpretations regarding the number of trailers allowed to be stored on a residential lot. The number allowed is currently included in the section that regulates recreational vehicles. The question arises, since trailers are included in the recreational equipment section, should they be counted as a recreational vehicle. To remove any questions, the number of trailers allowed is being moved to the section that regulates number of vehicles. The language is not being changed just its placement within the code. The section will read as follows:

#### 11-601.3 Major Recreational Equipment in Residential Districts.

(1) Standards. Major Recreational Equipment in a residential district must conform to the following standards, in addition to the standards in Title 9 (Traffic and Transportation). These standards are enforceable against the property owner, the vehicle owner, and the vehicle possessor(s), joint and severally. For this purpose, the vehicle owner is presumed to be the registered owner, unless rebutted.

(a) No Major Recreational Equipment may be used for living, sleeping, or housekeeping purposes, except that one major recreational vehicle not exceeding the limitations of 11-601.3 is allowed for occasional living purposes, not to exceed three days per 30 day period, to accommodate visitors, provided the vehicle is parked on private property.

(b) Major Recreational Equipment stored outside must be in a condition for the safe and effective performance of its intended function or repaired to put such equipment in such condition. Equipment being repaired may not be stored longer than 20 days.

(c) Maximum Number: Major Recreational Equipment is limited to two per residential dwelling unit, whether stored inside or outside a building.

(d) Size limitations for Major Recreational Equipment parked or standing in residential districts more than 12 hours:

(i) Maximum Height: Thirteen and one half feet measured from the ground to the highest point on the vehicle at the recommended tire pressure. For the purposes of measuring height, all accessories, attachments, and material carried on the vehicle shall be considered part of the vehicle.

(ii) Maximum Length: Forty-five feet, measured from the longest point on the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purposes of measuring length, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(iii) Maximum Width: Eight and one half feet in width, measured from the widest point on the vehicle or, if a trailer, the horizontal distance between the left and right edges of the trailer bed. For the purposes of measuring width, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(e) Vehicles must be both operable and currently registered.

~~(f) The total number of trailers allowed stored outside on a residential property is two.~~

#### 11-601.4 Number of Vehicles.

(1) The number of vehicles on a residential parcel may exceed by only two the number of persons with valid drivers licenses residing on the premises. The following vehicles shall be exempted from this requirement:

(a) Temporary visitor parking.

(b) Major Recreational Equipment.

(c) A maximum of two collector vehicles registered as pioneer, classic, collector or street rod vehicles. The collector plates must be displayed on the vehicle.

(d) Trailers, trucks, and other vehicles used in loading, unloading, maintenance, or construction on the premises.

The total number of trailers allowed stored outside on a residential property is two.

(e) Two- or three-wheeled vehicles.

#### Stacking Spaces Drive Thru Lanes

As part of the Title 11 recodification process the number of required stacking spaces for drive-thru service windows was omitted. The following language is proposed to be added:

11-1202.7 Stall, Aisle, Stacking and Loading Space Dimensions. Stall, aisle, stacking and loading spaces must be constructed to the following minimum specifications:

(1) Standard Parking Stalls.

Parking Angle	Stall Width (Including Striping)	Stall Length	Aisle Width	Bay Width	
				Interlock to Interlock	Wall to Wall
90 degrees	nine feet	20 feet	24 feet	64 feet	64 feet
60 degrees	nine feet	20 feet	16 feet	55.5 feet	60 feet
45 degrees	nine feet	20 feet	16 feet	50.5 feet	57 feet
Parallel	eight feet	22 feet	12 feet (one way) 24 feet (two way)	n/a	n/a
Tandem	eight feet	25 feet	24 feet	n/a	n/a

Stall length for 90, 60, and 45 degree angles parking stalls may be reduced by the amount of the curb overhang up to a maximum of two feet.

(2) Accessible Parking Stalls. Accessible parking spaces must be provided according to Chapter 1341 of Minnesota Rules (the Minnesota Accessibility Code).

(3) Off-Street Loading or Stacking Space. An off-street loading or stacking space must be a minimum of 12 feet wide, 50 feet long and 15 feet high, unless the maximum size of trucks used does not necessitate such space.

(4) Drive-Thru Stacking Space. A stacking space shall be a minimum of 12 feet wide and 20 feet long. Six stacking spaces are required per drive thru service window or wash bay.

Planning Commission Meeting

At the Planning Commission meeting held on November 21st, no one spoke at the public hearing. The Planning Commission asked for background information regarding the 20 day repair period found in the junk vehicle definition. The 20 day repair period was carried over from the previous code and was changed to maintain consistency.

**RECOMMENDATION**

In Planning Case 13-27, the Planning Commission recommends the City Council **introduce** the attached ordinance approving the following changes:

1. Amend the Section 11-201 definition of junk vehicle to include the requirement that current registration must be displayed and 20 day time period for repair work on a vehicle.
2. Add regulations for the storage of junk vehicles to Section 11-801.6 the Industrial District.
3. Amend section 11-601.3 to remove the the standard for total number of trailers allowed and amend Section 11-601.4 to add the standard for total number of trailers allowed.
4. Amend Section 11-1207.7(4) to add minimum number of stacking spaces for drive thru service windows,

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**Attachments**

Proposed Ordinance

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**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 11, SECTION 11-201 DEFINITIONS TO CHANGE THE DEFINITION OF JUNK VEHICLE; CHANGE TO TITLE 11, SECTION 11-801 TO ADD A NEW SECTION THAT ADDRESSES JUNK VEHICLES; CHANGE TO TITLE 11 SECTION 11-601.3 TO ELIMINATE THE STANDARD FOR TOTAL NUMBER OF TRAILERS ALLOWED; CHANGE TO TITLE 11 SECTION 11-601.4 TO ADD STANDARD FOR TOTAL NUMBER OF TRAILERS ALLOWED; CHANGE TO TITLE 11 SECTION 11-1207.7(4) TO ADD MINIMUM NUMBER OF STACKING SPACES FOR DRIVE THRU SERVICE WINDOWS.**

**The City of Coon Rapids does ordain:**

Section 1. Revised City Code – 1982 Section 11-201 is hereby amended as follows:

(Deletions in brackets, additions double underlined)

Junk Vehicle - Includes any motor vehicle or trailer which is not in an operable condition; or which is partially dismantled; or which is used for the sale of parts; or as a source of repair and replacement parts for other vehicles; or which is kept for scrapping, dismantling, or salvage; or is unlicensed or [unregistered] does not display current registration; or is parked off an improved surface in a front or side yard or any combination therein. The following vehicles are not considered junk vehicles:

- (a) An unlicensed vehicle for sale in an automobile sales lot.
- (b) A collector vehicle registered as a pioneer, classic, collector or street vehicle, as defined in M.S.A. 168.10, if actively being restored.
- (c) One vehicle being actively repaired by a resident of the premise, inside a building, garage or accessory structure, in which the vehicle is located for a period not to exceed [seven] 20 days.

Section 2 Revised City Code- 1982 Section 11-801 is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-801.6 Junk Vehicles. The parking, storage, or maintenance of junk vehicles is allowed only if incidental to a permitted use and if the vehicles are being actively repaired. Such vehicles must be stored within an enclosed building or be so screened that they are not visible from public streets or adjoining properties.

Section 3. Revised City Code – 1982 Section 11-601.3 is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-601.3 Major Recreational Equipment in Residential Districts.

- (1) Standards. Major Recreational Equipment in a residential district must conform to the following standards, in addition to the standards in Title 9 (Traffic and Transportation). These standards are enforceable against the property owner, the vehicle owner, and the vehicle possessor(s), joint and severally. For this purpose, the vehicle owner is presumed to be the registered owner, unless rebutted.

(a) No Major Recreational Equipment may be used for living, sleeping, or housekeeping purposes, except that one major recreational vehicle not exceeding the limitations of 11-601.3 is allowed for occasional living purposes, not to exceed three days per 30 day period, to accommodate visitors, provided the vehicle is parked on private property.

(b) Major Recreational Equipment stored outside must be in a condition for the safe and effective performance of its intended function or repaired to put such equipment in such condition. Equipment being repaired may not be stored longer than 20 days.

(c) Maximum Number: Major Recreational Equipment is limited to two per residential dwelling unit, whether stored inside or outside a building.

(d) Size limitations for Major Recreational Equipment parked or standing in residential districts more than 12 hours:

(i) Maximum Height: Thirteen and one half feet measured from the ground to the highest point on the vehicle at the recommended tire pressure. For the purposes of measuring height, all accessories, attachments, and material carried on the vehicle shall be considered part of the vehicle.

(ii) Maximum Length: Forty-five feet, measured from the longest point on the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purposes of measuring length, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(iii) Maximum Width: Eight and one half feet in width, measured from the widest point on the vehicle or, if a trailer, the horizontal distance between the left and right edges of the trailer bed. For the purposes of measuring width, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(e) Vehicles must be both operable and currently registered.

[f) The total number of trailers allowed stored outside on a residential property is two.]

Section 4. Revised City Code – 1982 Section 11-601.4 is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-601.4 Number of Vehicles.

(1) The number of vehicles on a residential parcel may exceed by only two the number of persons with valid drivers licenses residing on the premises. The following vehicles shall be exempted from this requirement:

(a) Temporary visitor parking.

(b) Major Recreational Equipment.

(c) A maximum of two collector vehicles registered as pioneer, classic, collector or street rod vehicles. The collector plates must be displayed on the vehicle.

(d) Trailers, trucks, and other vehicles used in loading, unloading, maintenance, or construction on the premises. The total number of trailers allowed stored outside on a residential property is two.

(e) Two- or three-wheeled vehicles.

Section 5. Revised City Code – 1982 Section 11-1202.7 is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-1202.7 Stall, Aisle, Stacking and Loading Space Dimensions. Stall, aisle, stacking and loading spaces must be constructed to the following minimum specifications:

(1) Standard Parking Stalls.

Parking Angle	Stall Width (Including Striping)	Stall Length	Aisle Width	Bay Width	
				Interlock to Interlock	Wall to Wall
90 degrees	nine feet	20 feet	24 feet	64 feet	64 feet
60 degrees	nine feet	20 feet	16 feet	55.5 feet	60 feet
45 degrees	nine feet	20 feet	16 feet	50.5 feet	57 feet
Parallel	eight feet	22 feet	12 feet (one way) 24 feet (two way)	n/a	n/a
Tandem	eight feet	25 feet	24 feet	n/a	n/a

Stall length for 90, 60, and 45 degree angles parking stalls may be reduced by the amount of the curb overhang up to a maximum of two feet.

(2) Accessible Parking Stalls. Accessible parking spaces must be provided according to Chapter 1341 of Minnesota Rules (the Minnesota Accessibility Code).

(3) Off-Street Loading or Stacking Space. An off-street loading or stacking space must be a minimum of 12 feet wide, 50 feet long and 15 feet high, unless the maximum size of trucks used does not necessitate such space.

(4) Drive-Thru Stacking Space. A stacking space shall be a minimum of 12 feet wide and 20 feet long. Six stacking spaces are required per drive thru service window or wash bay.

Introduced this 3<sup>rd</sup> day of December, 2013.

Adopted this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Tim Howe, Mayor

ATTEST:

\_\_\_\_\_  
Catherine M. Sorensen, City Clerk